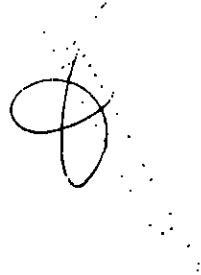


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

| | | |
|------------------------------------|---|-----------------------------------|
| STATE OF NEW MEXICO <i>ex rel.</i> |) | |
| State Engineer, |) | |
| |) | |
| Plaintiff, |) | No. CV 7941 JC |
| |) | |
| v. |) | RIO CHAMA Stream System |
| |) | |
| ROMAN ARAGON, <i>et al.</i> , |) | Section 5, Rio Gallina Subsection |
| |) | |
| Defendants. |) | |
| _____ |) | |



**FEDERAL RESERVED WATER RIGHT CLAIMS FOR FOREST SERVICE ORGANIC
ACT PURPOSES FOR THE SANTA FE NATIONAL FOREST**

The United States of America, by and through its attorneys, submits the following federal reserved water right claims for Organic Act purposes within the Santa Fe National Forest within Section 5 of this adjudication:

1. These claims are based upon a federal reservation of land originally known as the Jemez Forest Reserve and now known as the Santa Fe National Forest. A map of the reservation is attached as Exhibit A.
2. The Jemez Forest Reserve was designated and reserved by 34 Stat. 3182 on October 12, 1905. On April 6, 1915, the Jemez Forest Reserve became part of the Santa Fe National Forest by Executive Order 2160. The areas of the Santa Fe National Forest within Section 5 of this adjudication are part of the lands originally reserved as the Jemez Forest Reserve on October 12, 1905. Copies of the reservation documents are attached as Exhibit B.
3. The United States claims the following sources for the water claimed: All surface and groundwater sources, including streams, lakes, ponds, springs, seeps and other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral.

5901

and all groundwater sources, located within Section 5 of this adjudication and within the boundaries of the Santa Fe National Forest.

4. The United States claims the following uses for the water:

a. Fire control and suppression to fulfill purposes of the Forest

Service Organic Administration Act, 16 U.S.C.A. §§ 473-475, 477-482, 551 (West 1985 & Supp. 1999), 30 Stat. 11, Ch.2 ("Organic Act").

b. Road building to fulfill the purposes of the Organic Act.

5. The United States claims the following amounts of water:

a. 16 acre feet per year for fire control and suppression as indicated

on the Declaration of Lori D. Osterstock, attached as Exhibit C.

b. 5 acre feet per year for road building.

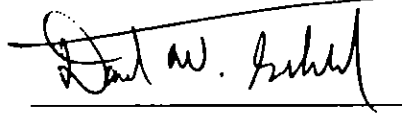
6. The priority date claimed is October 12, 1905, the date of the reservation of the Jemez Forest Reserve.

7. The place of use claimed is within and adjacent to the boundaries of the

Santa Fe National Forest within Section 5.

DATED this 5th day of May, 2000.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David W. Gehlert", is written over a horizontal line.

DAVID W. GEHLERT
U.S. Department of Justice
Environment & Natural
Resources Division
General Litigation Section
999 18th Street, Suite 945
Denver, Colorado 80202
Phone: (303)312-7352
Fax: (303)312-7331

Of counsel:

DAVID NEGRI
Office of the General Counsel
Albuquerque, NM

PLEASE NOTE:

THE REMAINING EXHIBITS IN THIS

CASE ARE TOO VOLUMINOUS TO

SCAN. THESE EXHIBITS ARE LOCATED

WITH THE FILE IN THE RECORDS

DEPARTMENT U. S. DISTRICT COURT

CLERK'S OFFICE.